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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/716,209 | 10/09/1996 | LAURENT PRADIER | ST94014-US | 5539 |

29693 7590 09/23/2002

WILEY, REIN & FIELDING, LLP
ATTN: PATENT ADMINISTRATION
1776 K. STREET N.W.
WASHINGTON, DC 20006

EXAMINER

GUCKER, STEPHEN

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| ART UNIT | PAPER NUMBER |
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1647

DATE MAILED: 09/23/2002

38

Please find below and/or attached an Office communication concerning this application or proceeding.



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| EXAMINER | |
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| ART UNIT | PAPER NUMBER |
| | 38 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The reply filed on 5/23/02 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): the request for information under 37 CFR 1.105 (Paper No. 35, filed 11/23/01, pages 5-6) specifically inquired as to whether "the adenovirus described in the *Science* publication has a deleted or non-functional E1 gene, at least one of the E2, E4, or L1-L5 genes was nonfunctional, comprised an ITR and a sequence permitting encapsulation, and the adenovirus was type Ad 2 or Ad 5." Applicants have answered only that the E1 gene was deleted and that the E2 region was not deleted (Paper No. 36, filed 5/23/02, pages 7-8). No attempt was made to state on the record whether the E2, E4, or L1-L5 genes were nonfunctional, whether the adenovirus comprised an ITR and a sequence permitting encapsulation, or whether the adenovirus was type Ad 2 or Ad 5. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (703) 308-6571. The examiner can normally be reached on Monday to Friday from 0830 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623. The fax phone number for this Group is currently (703) 308-4242, but Applicant should confirm this by phoning the Examiner before faxing.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SG

Stephen Gucker

September 23, 2002

Gary A. Kunz
GARY KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1800